§ 1011. Application of motion to reconsider to bills in committees.

4. A bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, may not be brought back to the House on a motion to reconsider.

This clause (formerly clause 2 of rule XVIII) was first adopted in 1860, and amended in 1872, to prevent a practice of using the privilege of the motion to reconsider to secure consideration of bills otherwise not in order (V, 5647). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2 of rule XVIII, and in recodification a provision requiring written reports was deleted as redundant of the requirement contained in clause 2 of rule XIII (H. Res. 5, Jan. 6, 1999, p. 47). There is a question as to whether or not the rule applies to a case wherein the House, after considering a bill, recommits it (V, 5648–5650). After a committee has reported a bill it is too late to reconsider the vote by which it was referred (V, 5651).

RULE XX

VOTING AND QUORUM CALLS

§ 1012. Voting viva voce, by division, by electronic device.

1. (a) The House shall divide after the Speaker has put a question to a vote by voice as provided in clause 6 of rule I if the Speaker is in doubt or division is demanded. Those in favor of the question shall first rise from their seats to be counted, and then those opposed.

(b) If a Member, Delegate, or Resident Commissioner requests a recorded vote, and that request is supported by at least one-fifth of a quorum, the vote shall be taken by electronic device unless the Speaker invokes another procedure for recording votes provided in this rule. A recorded vote taken in the House under this paragraph shall be considered a vote by the yeas and nays.

This provision (formerly clause 5(a) of rule I) was adopted in 1789 and its present form reflects the revisions and amendments of 1860, 1880 (II, 1311), 1972 (H. Res. 1123, Oct. 13, 1972, pp. 36005–08), and 1993 (H. Res. 5, Jan. 5, 1993, p. 49). From January 22, 1971 (when H. Res. 5 of the 92d Congress was adopted incorporating provisions in the Legislative Reorganization Act of 1970, 84 Stat. 1140), until October 13, 1972, this rule provided a two-step procedure for ordering "tellers with clerks" before installation of the electronic voting system, and for the first time permitted Members to be recorded on votes in Committee of the Whole. The last two sentences of this paragraph permitting a single-step "recorded vote" and voting by means of electronic device installed in the Chamber in 1972, were contained in a House resolution adopted on October 13, 1972, and were made effective by adoption of the rules of the 93d Congress (H. Res. 6, Jan. 3, 1973, p. 26). The general provision for demanding a vote by tellers was repealed in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. 49). The provision providing that a recorded vote taken pursuant thereto shall be considered a vote by the yeas and nays was added in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. 121). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(a) of rule I (H. Res. 5, Jan. 6, 1999, p. 47).

The former right to demand tellers was not precluded by the fact that the yeas and nays had been refused (V, 5998; VIII, 3103), by a point of no quorum against a division vote on the question on which tellers were requested (VIII, 3104), by a point of no quorum and a call of the House following a division vote on the question on which tellers were demanded (Sept. 25, 1969, p. 27041), or by the intervention of a quorum call following the refusal of the Committee of the Whole to order a recorded vote (Feb. 27, 1974, p. 4447).

One of the suppositions on which parliamentary law is founded is that the Speaker will not betray the duty to make an honest count on a division (V, 6002) and the integrity of the Chair in counting a vote should not be questioned in the House (VIII, 3115; July 11, 1985, p. 18550). A vote by division takes no cognizance of Members present but not voting, and consequently the number of votes counted by division has no tendency to establish a lack of a quorum (June 29, 1988, p. 16504). Only one demand for a vote by division on a pending question is in order (July 26, 1984, p. 21259; June 29, 1994, p. 15206). However, where a division vote is demanded on a proposition in the House and the vote thereon is then postponed pursuant to clause 8, a division may again be demanded when the question is put de novo on the proposition as unfinished business (since a demand for a division may be made by any Member) (Mar. 18, 1980, p. 5739).

In a full House (total membership of 435), a recorded vote is ordered by one-fifth of a quorum (44), but in Committee of the Whole a recorded vote is ordered by 25 (clause 6(e) of rule XVIII), rather than 20 in both cases as in prior practice (V, 5986; Dec. 20, 1974, p. 41793). The Chair's

count of Members demanding a recorded vote is not appealable (June 24, 1976, p. 20390).

Only one request for a recorded vote on a pending question is in order (Jan. 21, 1976, p. 508). The request may not be renewed where the absence of a quorum is disclosed immediately following the refusal to order a recorded vote (June 6, 1979, p. 13648; Oct. 25, 1983, p. 29227). However, although a request for a recorded vote once denied may not be renewed, the request remains pending where the Chair interrupts the count of Members standing in favor of the request in order to count for a quorum pursuant to a point of order that a quorum is not present (Aug. 5, 1982, pp. 19658, 19659; July 22, 2003, p. 18993). A recorded vote may be had in the House on a separate vote on an amendment adopted in the Committee of the Whole on which a recorded vote had been refused (May 13, 1998, p. 9134). A demand for the yeas and nays if refused by the House may not be renewed, even when the question is put de novo as unfinished business (Deschler-Brown, ch. 30, § 55.5).

A demand for a record vote cannot interrupt a vote by division that is in progress (June 10, 1975, p. 18048). Where both a division vote and a recorded vote are requested, the Chair will count for a recorded vote (July 22, 2003, p. 18993). A parliamentary inquiry, or remarks uttered without recognition, immediately following the Chair's announcement of a voice vote on an amendment is not such intervening business as to prevent a demand for a recorded vote thereon where the Chair has not announced the final disposition of the amendment (May 23, 1984, p. 13928; July 26, 1984, p. 21249; June 10, 1998, p. 11856). A demand for a recorded vote may be untimely even if the body has not moved on to other business (June 26, 2007, p. __).

The ordering of a recorded vote may be vacated by unanimous consent (May 28, 2010, p. __).

§ 1013. Former ordering of tellers and taking of the vote.

Under the precedents recorded before the abolition of tellers, it was the duty of the Member to serve as teller when appointed by the Chair (V, 5987); but when Members of one side had declined, the second teller was appointed from the other side (V, 5988) or the position was left vacant (V, 5989). A Delegate could have been appointed teller (II, 1302). Where there was doubt as to the count by tellers, the Chair could have ordered the vote taken again (V, 5991; July 19, 1946, p. 9466), but this must have been done before the result was announced (V, 5993–5995; VIII, 3098). The Chair could have been counted without passing between the tellers (V, 5996, 5997; VIII, 3100, 3101).

(c) In case of a tie vote, a question shall be lost.

This provision was adopted in 1789. Before the House recodified its rules in the 106th Congress, it was found in former clause 6 of rule I (H. Res. 5, Jan. 6, 1999, p. 47).

§ 1014. Use of electronic equipment in recording roll calls.

2. (a) Unless the Speaker directs otherwise, the Clerk shall conduct a record vote or quorum call by electronic device. In such a case the Clerk shall enter on the Journal and publish in the Congressional Record, in alphabetical order in each category, the names of Members recorded as voting in the affirmative, the names of Members recorded as voting in the negative, and the names of Members answering present as if they had been called in the manner provided in clause 3. Except as otherwise permitted under clause 8 or 9 of this rule or under clause 6 of rule XVIII, the minimum time for a record vote or quorum call by electronic device shall be 15 minutes.

The permissive use of an electronic voting system was incorporated in the Legislative Reorganization Act of 1970 (sec. 121; 84 Stat. 1140) and was made a part of the standing rules in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144). The clause in its essential form was adopted the next year (formerly clause 5(a) of rule XV) (H. Res. 1123, Oct. 13, 1972, p. 36012). A technical correction to paragraph (a) was effected in the 108th Congress (sec. 2(u), H. Res. 5, Jan. 7, 2003, p. 7). The electronic system was first utilized in the House on January 23, 1973 (p. 1793). Under paragraph (a), a record vote is conducted by electronic device unless the Speaker directs otherwise (Mar. 21, 2010, p. __).

A provision regarding holding a vote open for the sole purpose of reversing its outcome was added in the 110th Congress (sec. 302, H. Res. 6, Jan. 4, 2007, p. 19 (adopted Jan. 5, 2007)). A select committee to investigate certain voting irregularities recommended its repeal (H. Rept. 110–885), and the 111th Congress did so (sec. 2(h), H. Res. 5, Jan. 6, 2009, p. __). That provision did not establish a point of order (Apr. 15, 2008, p. __; May 8, 2008, p. __) but a vote could have been subject to collateral challenge as a question of the privileges of the House (Mar. 12, 2008, p. __; Apr. 15, 2008, p. __).

The Speaker inserted in the Record a detailed statement describing procedures to be followed during votes and quorum calls by electronic device and by the backup procedures therefor (Jan. 15, 1973, pp. 1054–57). The Speaker may direct that a call of the House be conducted by an alphabetical

call of the roll by the Clerk in lieu of utilizing the electronic voting device (Mar. 7, 1973, p. 6699), and pursuant to this clause and clause 6 (formerly clause 4 of rule XV) the Speaker may direct the Clerk to call the roll, in lieu of taking the vote by electronic device, where a quorum fails to vote on any question and objection is made for that reason (May 16, 1973, p. 15850).

A request that the voting display be turned on during debate is not in order (Oct. 12, 1998, p. 25770).

At the end of a 15-minute vote, after the electronic voting stations are closed but before the Speaker's announcement of the result, a Member may cast an initial vote or change a vote by ballot card in the well (Speaker Albert, Sept. 23, 1975, p. 29850; Speaker Wright, Oct. 29, 1987, p. 30239). In 1975 Speaker Albert announced that changes could no longer be made at the electronic stations but would have to be made by ballot card in the well (Speaker Albert, Sept. 17, 1975, p. 28903). In 1976 Speaker Albert announced that changes could be made electronically during the first 10 minutes of a 15-minute voting period, but changes during the last 5 minutes would have to be made by ballot card in the well (Speaker Albert, Mar. 22, 1976, p. 7394). In 1977 Speaker O'Neill announced that changes could be made electronically at any time during a vote reduced to five minutes under the rules (Speaker O'Neill, Jan. 4, 1977, pp. 53–70) and the electronic voting system now is programmed to accommodate changes at the stations throughout any electronic vote of a minimum duration of less than 15 minutes. Once the Clerk has announced changes, the voting stations close and further changes must be made in the well (Nov. 17, 2005, p. 26580).

The Speaker declines to entertain unanimous-consent requests to correct the Journal and Record on votes taken by electronic device (Apr. 18, 1973, p. 13081; May 10, 1973, p. 15282; June 17, 1986, p. 14038), unless the request is to delete a vote that was not actually cast (June 26, 2000, p. 12371). A recorded vote or quorum call may not be reopened once the Chair has announced the result (June 15, 2000, p. 11098). However, the Speaker may announce a change in the result of a vote taken by electronic device where required to correct an error in identifying a signature on a voting card submitted in the well (Speaker O'Neill, June 11, 1981) or as a result of an untabulated voting card (Sept. 25, 2008, p. __).

On a call of the House, or a vote, conducted by electronic device, Members are permitted a minimum of 15 minutes to respond, but it is within the discretion of the Chair, following the expiration of 15 minutes, to allow additional time for Members to record their presence, or vote, before announcing the result (June 6, 1973, p. 18403; Oct. 9, 1997, p. 22016; Sept. 9, 2003, p. 21558; Mar. 30, 2004, pp. 5577, 5578; July 8, 2004, pp. 14781 0983; July 9, 2004, p. 14972). When an emergency recess under clause 12(b) of rule I occurred during an electronic vote, the Chair extended the period of time in which to cast a vote by 15 additional minutes (May 11, 2005, p. 9164; June 29, 2005, p. 14835). A resolution alleging intentional

misuse of House practices and customs in holding a vote open for approximately three hours for the sole purpose of circumventing the will of the House, and directing the Speaker to take such steps as necessary to prevent further abuse, constitutes a question of the privileges of the House (Dec. 8, 2003, pp. 32099, 32100; Dec. 8, 2005, pp. 27811, 27812). Similarly, resolutions directing the Committee on Standards of Official Conduct (now Ethics) to review irregularities in the conduct of a vote in the House (Aug. 3, 2007, p. 22746) or alleging irregularities in the conduct of a vote, directing House officers to preserve all records relating thereto, and establishing a select committee of investigation thereof (Aug. 3, 2007, pp. 22768, 22769) constitute questions of the privileges of the House.

Where the Chair attempted to prematurely close a vote by electronic device while voting cards submitted in the well were still being tabulated, he allowed such tabulation to conclude before announcing the outcome of the vote (Aug. 2, 2007, p. 22545). The "scoreboard" components of the electronic voting system are for display only, such that when the clock-setting on the board reads "final" the Chair may continue to allow Members in the well to cast votes or enter changes (Sept. 18, 2007, p. 24524).

Because this clause is incorporated by reference into clause 6 of rule XVIII (formerly clause 2 of rule XXIII), the chair of the Committee of the Whole need not convert to a regular quorum call precisely at the expiration of 15 minutes if 100 Members have not appeared on a notice quorum call, but may continue to exercise discretion under that clause at any time during the conduct of the call (July 17, 1974, p. 23673).

Because the Chair has the discretion to close the vote and to announce the result at any time after 15 minutes have elapsed, those precedents guaranteeing Members in the Chamber the right to have their votes recorded even if the Chair has announced the result (*e.g.*, V, 6064, 6065; VIII, 2143), which predate the use of an electronic voting system, do not require the Chair to hold open indefinitely a vote taken by electronic device (Mar. 14, 1978, p. 6838). In the 103d Congress the Speaker inserted in the Record his announcement that, in order to expedite the conduct of votes by electronic device, the Cloakrooms were directed not to forward to the Chair individual requests to hold a vote open (Speaker Foley, Jan. 6, 1993, p. 106). Starting in the 104th Congress, the Speaker has announced that each occupant of the Chair would have the Speaker's full support in striving to close each electronic vote at the earliest opportunity and that Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive (Speaker Gingrich, Jan. 4, 1995, p. 552; June 10, 1998, p. 11849; Speaker Hastert, Jan. 6, 1999, p. 249; Speaker Hastert, Jan. 3, 2001, p. 41; Speaker Hastert, Jan. 7, 2003, p. 24; Jan. 8, 2003, p. 172; Speaker Hastert, Jan. 4, 2005, p. 70; Speaker Pelosi, Jan. 5, 2007, p. 273; Speaker Pelosi, Jan. 6, 2009, p. __; Speaker Boehner, Jan. 5, 2011, p. __); however, the Chair will not close a vote while a Member is in the well attempting to vote (Feb. 10, 1995, p. 4385; June 22, 1995, p. 16814).

§ 1014a. Procedure when electronic voting system inoperable.

(b) When the electronic voting system is inoperable or is not used, the Speaker or Chair may direct the Clerk to conduct a record vote or quorum call as provided in clause 3 or 4.

When the House recodified its rules in the 106th Congress, this provision was added as a cross reference to the backup procedures found in clauses 3 and 4(a) and to clarify the Chair's discretion to choose either backup procedure (H. Res. 5, Jan. 6, 1999, p. 47). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. __).

In the event of a malfunction in the electronic voting system during a record vote, the Chair may vacate the results of the electronic vote and direct that the record vote be conducted by call of the roll under clause 3 of rule XX (May 4, 1988, pp. 9846, 9847; Oct. 6, 1999, p. 24198) or may direct a new electronic vote with a new 15-minute voting period (July 13, 2004, p. 15214). The determination that the electronic voting system is functioning reliably is in the discretion of the Chair, who may base a judgment on certification by the Clerk (Oct. 6, 1999, p. 24198). For example, the Speaker continued to use the electronic system, even though the electronic display panels or certain voting stations were temporarily inoperative, while urging Members to verify their votes (Sept. 19, 1985, p. 24245; Feb. 4, 1994, p. 1640; Feb. 10, 2000, p. 1021; Apr. 9, 2002, p. 4054; Sept. 19, 2002, p. 17237; Sept. 4, 2003, pp. 21151, 21152). Similarly, where the electronic voting system malfunctioned only temporarily, the Chair continued an electronic vote but advised Members to verify that they were recorded correctly (Mar. 25, 2004, p. 5262). On the other hand, the Chair vacated the results of an electronic vote and directed that the record vote be taken by call of the roll where there was a malfunction in the electronic display panel and the Chair could not obtain from the Clerk verification that the vote would be recorded with 100 percent accuracy (Oct. 6, 1999, p. 24198). On one occasion, when the electronic voting system became inoperative during a vote, the Chair announced that (1) the vote would be held open until all Members were recorded; (2) the Clerk would retrieve the names of Members already recorded from the electronic display board; (3) the Clerk would combine the names of Members voting electronically and those who signed tally cards to form a valid vote; and (4) the vote would remain open until Members had returned from a memorial service at the National Cathedral (Sept. 14, 2001, p. 17103).

§ 1015. Call of the roll for the yea-and-nay vote.

3. The Speaker may direct the Clerk to conduct a record vote or quorum call by call of the roll. In such a case the Clerk shall call the names of Members, alphabetically by surname. When two or more have the same surname, the name of the State (and, if necessary to distinguish among Members from the same State, the given names of the Members) shall be added. After the roll has been called once, the Clerk shall call the names of those not recorded, alphabetically by surname. Members appearing after the second call, but before the result is announced, may vote or announce a pair.

The first form of this clause (formerly clause 1 of rule XV) was adopted in 1789, and amendments were added in 1870, 1880, 1890 (V, 6046), 1969 (H. Res. 7, 91st Cong., Jan. 3, 1969, p. 35), and 1972 (H. Res. 1123, 92d Cong., Oct. 13, 1972, pp. 36005–012). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 1 of rule XV (H. Res. 5, Jan. 6, 1999, p. 47). Although this clause permits the announcement of a "live" pair, the practice of general pairs found in former clause 2 of rule VIII was deleted in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47; see § 1031, *infra*).

The names of Members who have not been sworn are not entered on the roll from which the yeas and nays are called for entry on the Journal (V, 6048; VI, 638; VIII, 3122).

Commencing in 1879 the Clerk, in calling the roll, called Members by the surnames with the prefix "Mr." instead of calling the full names (V, 6047), but since the 62d Congress the practice has been discontinued in the interest of brevity (VIII, 3121). The Speaker's name is not on the voting roll and is not ordinarily called (V, 5970). When voting, the Speaker's name is called at the close of the roll (V, 5965). In case of a tie that is revealed by a correction of the roll, the Speaker has voted after intervening business or even on another day (V, 5969, 6061–6063; VIII, 3075). Where the Speaker through an error of the Clerk in reporting the yeas and nays announces a result different from that actually had, the status of the question is governed by the vote as recorded and subsequent announcement by the Speaker of the changed result is authoritative, or the Speaker may entertain a motion for correction of the Journal in accordance with the vote as finally ascertained (VIII, 3162).

Under this clause, as under clause 6, the roll is called twice, and those Members appearing after their names are called but before the announcement of the result may vote or announce a "live" pair. Under the former practice, before the amendment adopted on January 3, 1969, a Member who had failed to respond on either the first or second call of the roll could not be recorded before the announcement of the result (V, 6066–6070; VIII, 3134–3150) unless the Member qualified by declaring that the Member had been within the Hall, listening, when the name should have been called and failed to hear it (V, 6071–6072; VIII, 3144–3150), and then only on the theory that the name may have been inadvertently omitted by the Clerk (VIII, 3137). Under the former practice in which the roll was called by the Clerk, either before announcement of the result (V, 6064) or after such announcement (VIII, 3125), the Speaker could order the vote recapitulated (V, 6049, 6050; VIII, 3128). A Member may not change a vote on recapitulation if the result has been announced (VIII, 3124), but errors in the record of such votes may be corrected (VIII, 3125). A motion that a vote be recapitulated is not privileged (VIII, 3126). The Speaker has declined to order a recapitulation of a vote taken by electronic device (Speaker Albert, July 30, 1975, p. 25841). The decision to conduct a record vote by call of the roll is entirely within the discretion of the Speaker, who may refuse to speculate whether he would exercise such discretion on a future vote (Mar. 21, 2010, p. __).

§ 1016. Bell system.

The legislative call system was designed to alert Members to certain occurrences on the floor of the House. The Speaker has directed that the bells and lights comprising the system be utilized as follows (Jan. 23, 1979, p. 701):

Tellers—one ring and one light on left. Because the demand for teller votes was discontinued at the beginning of the 103d Congress, this signal is no longer utilized.

Recorded vote, yeas and nays, or automatic record vote taken either by electronic system or by use of tellers with ballot cards—two bells and two lights on left indicate a vote by which Members are recorded by name. Bells are repeated five minutes after the first ring. When by unanimous consent waiving the five-minute minimum set by clause 9 (formerly clause 5(b)(3) of rule I) the House authorized the Speaker to put remaining postponed questions (Oct. 4, 1988, pp. 28126, 28148) or any question following another vote by electronic device (*e.g.*, May 23, 2006, p. 9274) to two-minute electronic votes, two bells were rung.

Recorded vote, yeas and nays, or automatic record electronic vote to be followed immediately by possible five-minute vote under clauses 8(c) or 9 of rule XX or clauses 6(f) or 6(g) of rule XVIII—two bells rung at beginning of first vote, followed by five bells, indicate that Chair will order five-minute votes if recorded vote, yeas and nays, or automatic vote is ordered immediately thereafter. Two bells repeated five minutes after first ring. Five bells on each subsequent electronic vote.

Recorded vote in the Committee of the Whole to be followed immediately by possible two-minute vote under clauses 6(f) or 6(g) of rule XVIII—two bells rung at beginning of first vote, followed by two bells, indicate that Chair will order two-minute votes if recorded vote is ordered immediately thereafter. Two bells repeated five minutes after first ring. Two bells on each subsequent electronic vote.

Recorded vote, yeas and nays, or automatic roll call by call of the roll—two bells, followed by a brief pause, then two bells indicate such a vote taken by a call of the roll in the House. The bells are repeated when the Clerk reaches the "R's" in the first call of the roll.

Regular quorum call—three bells and three lights on left indicate a quorum call either in the House or in Committee of the Whole by electronic system or by clerks. The bells are repeated five minutes after the first ring. Where quorum call is by call of the roll, three bells followed by a brief pause, then three more bells, with the process repeated when the Clerk reaches the "R's" in the first call of the roll, are used.

Regular quorum call in Committee of the Whole, which may be followed immediately by five-minute electronic recorded vote—three bells rung at beginning of quorum call, followed by five bells, indicate that Chair will order five-minute vote if recorded vote is ordered on pending question. Three bells repeated five minutes after first ring. Five bells for recorded vote on pending question if ordered.

Notice or short quorum call in Committee of the Whole—one long bell followed by three regular bells, and three lights on left, indicate that the Chair has exercised discretion under clause 6 of rule XVIII and will vacate proceedings when a quorum of the Committee appears. Bells are repeated every five minutes unless (a) the call is vacated by ringing of one long bell and extinguishing of three lights, or (b) the call is converted into a regular quorum call and three regular bells are rung.

Adjournment—four bells and four lights on left.

Any two-minute vote—two bells and two lights on left.

Any five-minute vote—five bells and five lights on left.

Recess of the House—six bells and six lights on left.

Civil Defense Warning—twelve bells, sounded at two-second intervals, with six lights illuminated.

The light on the far right—seven—indicates that the House is in session.

Failure of the signal bells to announce a vote does not warrant repetition of the roll call (VIII, 3153–3155, 3157) nor does such a failure permit a Member to be recorded following the conclusion of the call (June 9, 1938, p. 8662).

§ 1017. Changes and corrections of votes.

Before the result of a vote has been finally and conclusively pronounced by the Chair, but not thereafter, a Member may change a vote (V, 5931–5933, 6093, 6094; VIII, 3070, 3123, 3124, 3160), and a Member who has answered "present" may change it to "yea" or "nay" (V, 6060). However, a vote given by a Member may not be withdrawn without leave of the House (V, 5930).

When a vote actually cast fails to be recorded during a call of the roll (V, 6061–6063) the Member may, before the approval of the Journal, demand as a matter of right that correction be made (V, 5969; VIII, 3143). However, statements of other Members as to alleged errors in a recorded vote must be very definite and positive to justify the Speaker in ordering a change of the roll (V, 6064, 6099). The Speaker declines to entertain requests to correct the Journal and Record on votes taken by electronic device, based upon the technical accuracy of the electronic system if properly utilized and upon the responsibility of each Member to correctly cast and verify his or her vote (Apr. 18, 1973, p. 13081; May 10, 1973, p. 15282). By unanimous consent the House may vacate proceedings on a recorded vote conducted in the Committee of the Whole and require a vote de novo where it is alleged that Members were improperly prevented from being recorded (June 22, 1995, p. 16815).

§ 1018. Interruptions of the roll call.

Once begun the roll call may not be interrupted even by a motion to adjourn (V, 6053; VIII, 3133), a parliamentary inquiry (VIII, 3132) except in the discretion of the Chair and if related to the call (Deschler-Brown, ch. 31, §§ 15.14, 15.15), a question of personal privilege (V, 6058, 6059; VI, 554, 564), the arrival of the time fixed for another order of business (V, 6056) or for a recess (V, 6054, 6055; VIII, 3133), or the presentation of a conference report (V, 6443). However, it is interrupted for the reception of messages and by the arrival of the hour fixed for adjournment sine die (V, 6715–6718). A Member-elect may be sworn during a record vote (Jan. 4, 2005, p. 46; Jan. 6, 2005, p. 242; Jan. 25, 2005, p. 749). Incidental questions arising during the roll call, such as the refusal of a Member to vote (V, 5946–5948), are considered after the completion of the call and the announcement of the vote (V, 5947). The rules do not preclude a Member from announcing after a recorded vote how the Member would have voted if present (Speaker Rayburn, June 27, 1957, p. 10521; contra VIII, 3151), but neither the rules nor practice permit a Member to announce after a recorded vote how absent colleagues would have voted if present (VI, 200; Apr. 3, 1933, p. 1139; Apr. 28, 1933, p. 2587; May 20, 1933, p. 3834; Mar. 16, 1934, pp. 4691, 4700; Apr. 14, 1937, pp. 3489, 3490; Apr. 15, 1937, p. 3563).

§ 1019. Quorum call by clerks.

4. (a) The Speaker may direct a record vote or quorum call to be conducted by tellers. In such a case the tellers named by the Speaker shall record the names of the Members voting on each side of the question or record their presence, as the case may be, which the Clerk shall enter on the Journal and publish in the Congressional Record. Absentees

shall be noted, but the doors may not be closed except when ordered by the Speaker. The minimum time for a record vote or quorum call by tellers shall be 15 minutes.

This paragraph was adopted as part of the general revision of this rule (formerly rule XV) that was required by the implementation of the electronic voting system (H. Res. 1123, 92d Cong., Oct. 13, 1972, p. 36012). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2(b) of rule XV (H. Res. 5, Jan. 6, 1999, p. 47). The Speaker has discretion to direct that the presence of Members be recorded by this procedure in lieu of using the electronic system, or the Chair may direct that a quorum call be taken by an alphabetical call of the roll (Mar. 7, 1973, p. 6699). The chair of the Committee of the Whole also may direct that a quorum call be conducted by depositing quorum tally cards with clerk tellers, rather than by electronic device or a call of the roll (July 13, 1983, p. 18858).

Exercising authority under this paragraph, the Speaker ordered the doors to the Chamber closed and locked during a call of the House and instructed the Doorkeeper to enforce the rule and let no Members leave the Hall (Deschler, ch. 20, § 6.3). This clause does not give the Speaker the authority to lock the doors during a recorded vote (June 11, 1997, p. 10665). For a discussion of the count to determine a quorum, see House Practice, ch. 43, § 5.

§ 1020. Count of those not voting to make a quorum of record on a roll call.

(b) On the demand of a Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk, entered on the Journal, reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

This clause was adopted in 1890 (IV, 2905), but it merely formalized a principle already established by a decision of the Chair (IV, 2895). It was much in use in the first years after its adoption (III, 2620; IV, 2905–2907); but with the decline of obstruction in the House and the adoption of clause 6 (formerly clause 4 of rule XV) of this rule the necessity for its use has disappeared to a large extent. Before the House recodified its rules in the 106th Congress, this provision was found in former clause 3 of rule XV (H. Res. 5, Jan. 6, 1999, p. 47). The Speaker may direct the

Clerk to note names of Members under this rule even on a vote for which a quorum is not necessary (VIII, 3152). For a discussion of the count to determine a quorum, see House Practice, ch. 43, § 5.

§ 1021. The call of the House.

5. (a) In the absence of a quorum, a majority comprising at least 15 Members, which may include the Speaker, may compel the attendance of absent Members.

(b) Subject to clause 7(b) a majority described in paragraph (a) may order the Sergeant-at-Arms to send officers appointed by the Sergeant-at-Arms to arrest those Members for whom no sufficient excuse is made and shall secure and retain their attendance. The House shall determine on what condition they shall be discharged. Unless the House otherwise directs, the Members who voluntarily appear shall be admitted immediately to the Hall of the House and shall report their names to the Clerk to be entered on the Journal as present.

The essential portions of this provision were adopted in 1789 and 1795, with minor amendments in 1888, 1890 (IV, 2982), and 1971 (H. Res. 5, 92d Cong., Jan. 22, 1971, p. 144). Later in the 92d Congress several provisions of this rule, including this clause, were amended to reflect the implementation of the electronic voting system (H. Res. 1123, Oct. 13, 1972, pp. 36005–12). The provisions relating to the call of the roll by the Clerk were deleted. Calls of the House are now taken by electronic device unless the Speaker orders the use of the alternative procedure in clause 2(b). Together with clause 7 (formerly clause 6(e)(2) of rule XV) this provision was further amended in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16) to conform to the requirement in that provision that further proceedings under the call shall be dispensed with unless the Speaker chooses to recognize for a call of the House or a motion to compel attendance under this paragraph. This clause must be read in light of clause 7 (formerly clause 6(e) of rule XV), which prohibits the point of order that a quorum is not present unless the Speaker has put a question to a vote. A technical correction to paragraph (b) was effected in the 109th Congress (sec. 2(l), H. Res. 5, Jan. 4, 2005, p. 44). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. __). Before

the House recodified its rules in the 106th Congress, this provision was found in former clause 2(a) of rule XV (H. Res. 5, Jan. 6, 1999, p. 47).

§ 1022. Ordering and conducting the call.

Under this rule a call may not be ordered by less than 15, and without that number present the motion for a call is not entertained (IV, 2983). It must be ordered by majority vote, and a minority of 15 or more favoring a call on such vote is not sufficient (IV, 2984). A quorum not being present no motion is in order but for a call of the House or to adjourn (IV, 2950, 2988; VI, 680), and at this stage the motion to adjourn has precedence over the motion for a call of the House (VIII, 2642).

Although the following precedents predate the use of the electronic voting and recording system, they are retained in the Manual because of their general applicability with respect to calls of the House. A roll call under paragraph (a) may not be interrupted by a motion to dispense with further proceedings under the call (IV, 2992), and a recapitulation of the names of those who appear after their names have been called may not be demanded (IV, 2933). However, during proceedings under the call the roll may be ordered to be called again by those present (IV, 2991).

During a call less than a quorum may revoke leaves of absence (IV, 3003, 3004) and excuse a Member from attendance (IV, 3000, 3001), but may not grant leaves of absence (IV, 3002). The roll is sometimes called for excuses, and motions to excuse are in order during this call (IV, 2997), but neither the motion to excuse nor an incidental appeal are debatable (IV, 2999). After the roll has been called for excuses, and the House has ordered the arrest of those who are unexcused, a motion to excuse an absentee is in order when brought to the bar (IV, 3012).

§ 1023. Arrest of Members.

An order of arrest for absent Members may be made after a single calling of the roll (IV, 3015, 3016), and a warrant issued on direction of those present, such motion having precedence of a motion to dispense with proceedings under the call (IV, 3036). The Sergeant-at-Arms is required to arrest Members wherever they may be found (IV, 3017), and the former leave for a committee to sit during sessions did not release its members from liability to arrest (IV, 3020). A motion to require the Sergeant-at-Arms to report progress in securing a quorum is in order during a call of the House (VI, 687). A Member who appears and answers is not subject to arrest (IV, 3019), and in a case in which a Member complained of wrongful arrest the House ordered the Sergeant-at-Arms to investigate and amend the return of his warrant (IV, 3021). A Member once arrested having escaped it was held that he might not be brought back on the same warrant (IV, 3022). A privileged motion to compel the attendance of absent Members is in order after the Chair has announced that a quorum has not responded on a negative recorded vote on a motion to adjourn (Nov. 2, 1987, p. 30386).

The former practice of presenting Members at the bar during a call of the House (IV, 3030–3035) is obsolete, and Members now report to the Clerk and are recorded without being formally excused unless brought in

under compulsion (VI, 684). Those present on a call may prescribe a fine as a condition of discharge, and the House has by resolution revoked all leaves of absence and directed the Sergeant-at-Arms to deduct from the salary of Members compensation for days absent without leave (VI, 30, 198), but this penalty has been of rare occurrence (IV, 3013, 3014, 3025). Having rejected a motion to adjourn, less than a quorum of the House rejected a motion directing the Sergeant-at-Arms to arrest absent Members, rejected a second motion to adjourn, and then adopted a motion authorizing the Speaker to compel the attendance of absent Members (Nov. 2, 1987, p. 30387).

The motion to dispense with further proceedings under the call of the House is not in order when a motion to arrest absent Members is pending (IV, 3029, 3037); is not entertained until a quorum responds on the call, but may be agreed to by less than a quorum thereafter (IV, 3038, 3040; VI, 689; Sept. 11, 1968, p. 26453; Dec. 22, 1970, p. 43311); and is neither debatable nor subject to amendment, thus the motion to lay it on the table is not in order (Aug. 27, 1962, p. 17653; Dec. 18, 1970, p. 42504).

Form of resolution for the arrest of Members absent without leave (VI, 686).

§ 1024. Motions during a call.

During the call, which in later practice has been invoked only in the absence of a quorum, incidental motions may be agreed to by less than a quorum (IV, 2994, 3029; VI, 681), and under clause 7 (formerly clause 6(a)(4) of rule XV) a point of order of no quorum may not be made during the offering, consideration, and disposition of any motion incidental to a call of the House. This includes motions for the previous question (V, 5458), to reconsider and to lay the motion to reconsider on the table (V, 5607, 5608), to adjourn, which is in order even in the midst of the call of the roll for excuses (IV, 2998) or while the House is dividing on a motion for a call of the House (VIII, 2644), and which takes precedence over a motion to dispense with further proceedings under the call (VIII, 2643), and an appeal from a decision of the Chair (IV, 3010, 3037; VI, 681). The yeas and nays may also be ordered (IV, 3010), but a question of privilege may not be raised unless connected immediately with the proceedings (III, 2545). Motions not strictly incidental to the call are not admitted, as for a recess (IV, 2995, 2996), to excuse a Member from voting even when otherwise in order (IV, 3007), to enforce the statute relating to deductions of pay of Members for absence (IV, 3011; VI, 682), to construe a rule or make a new rule (IV, 3008), or to order a change of a Journal record (IV, 3009). An appeal also may not be entertained during a call of the yeas and nays (V, 6051). A motion for a call of the House is not debatable (VI, 683, 688). The motion to compel the attendance of absent Members, being neither debatable nor amendable, is not subject to a motion to lay on the table (Speaker Wright, Nov. 2, 1987, p. 30389).

§ 1024a. "Provisional quorum."

(c)(1) If the House should be without a quorum due to catastrophic circumstances, then—

(A) until there appear in the House a sufficient number of Representatives to constitute a quorum among the whole number of the House, a quorum in the House shall be determined based upon the provisional number of the House; and

(B) the provisional number of the House, as of the close of the call of the House described in subparagraph (3)(C), shall be the number of Representatives responding to that call of the House.

(2) If a Representative counted in determining the provisional number of the House thereafter ceases to be a Representative, or if a Representative not counted in determining the provisional number of the House thereafter appears in the House, the provisional number of the House shall be adjusted accordingly.

(3) For the purposes of subparagraph (1), the House shall be considered to be without a quorum due to catastrophic circumstances if, after a motion under paragraph (a) has been disposed of and without intervening adjournment, each of the following occurs in the stated sequence:

(A) A call of the House (or a series of calls of the House) is closed after aggregating a period in excess of 72 hours (excluding time the House is in recess) without producing a quorum.

(B) The Speaker—

(i) with the Majority Leader and the Minority Leader, receives from the Sergeant-at-Arms (or a designee) a catastrophic quorum failure report, as described in subparagraph (4);

(ii) consults with the Majority Leader and the Minority Leader on the content of that report; and

(iii) announces the content of that report to the House.

(C) A further call of the House (or a series of calls of the House) is closed after aggregating a period in excess of 24 hours (excluding time the House is in recess) without producing a quorum.

(4)(A) For purposes of subparagraph (3), a catastrophic quorum failure report is a report advising that the inability of the House to establish a quorum is attributable to catastrophic circumstances involving natural disaster, attack, contagion, or similar calamity rendering Representatives incapable of attending the proceedings of the House.

(B) Such report shall specify the following:

(i) The number of vacancies in the House and the names of former Representatives whose seats are vacant.

(ii) The names of Representatives considered incapacitated.

(iii) The names of Representatives not incapacitated but otherwise incapable of attending the proceedings of the House.

(iv) The names of Representatives unaccounted for.

(C) Such report shall be prepared on the basis of the most authoritative information available after consultation with the Attending Physician to the Congress and the Clerk (or their respective designees) and pertinent public health and law enforcement officials.

(D) Such report shall be updated every legislative day for the duration of any proceedings under or in reliance on this paragraph. The Speaker shall make such updates available to the House.

(5) An announcement by the Speaker under subparagraph (3)(B)(iii) shall not be subject to appeal.

(6) Subparagraph (1) does not apply to a proposal to create a vacancy in the representation from any State in respect of a Representative not incapacitated but otherwise incapable of attending the proceedings of the House.

(7) For purposes of this paragraph:

(A) The term "provisional number of the House" means the number of Representatives upon which a quorum will be computed in the House until Representatives sufficient in number to constitute a quorum among the whole number of the House appear in the House.

(B) The term "whole number of the House" means the number of Representatives chosen, sworn, and living whose membership in the House has not been terminated by resignation or by the action of the House.

This paragraph was added in the 109th Congress (sec. 2(h), H. Res. 5, Jan. 4, 2005, p. 43). It was amended in the 111th Congress to correct a cross-reference and to eliminate a gender-based reference (secs. 2(l), 2(m), H. Res. 5, Jan. 6, 2009, p. __). In extraordinary circumstances, section 8 of title 2, United States Code, prescribes special election rules to expedite the filling of vacancies in representation of the House.

§ 1024b. Accounting for vacancies.

(d) Upon the death, resignation, expulsion, disqualification, removal, or swearing of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from Federal, State, or local officials as the Speaker deems pertinent.

This paragraph was added in the 108th Congress (sec. 2(l), H. Res. 5, Jan. 7, 2003, p. 7). In the 109th Congress it was redesignated from paragraph (c) to paragraph (d) and the Speaker's responsibility to announce an adjustment was extended to the swearing of a Member (sec. 2(h), H. Res. 5, Jan. 4, 2005, p. 43). A gender-based reference was eliminated in the 111th Congress (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. __).

§ 1025. The call of the House in the new form.

6. (a) When a quorum fails to vote on a question, a quorum is not present, and objection is made for that cause (unless the House shall adjourn)—

(1) there shall be a call of the House;

(2) the Sergeant-at-Arms shall proceed forthwith to bring in absent Members; and

(3) the yeas and nays on the pending question shall at the same time be considered as ordered.

(b) The Clerk shall record Members by the yeas and nays on the pending question, using such procedure as the Speaker may invoke under clause 2, 3, or 4. Each Member arrested

under this clause shall be brought by the Sergeant-at-Arms before the House, whereupon the Member shall be noted as present, discharged from arrest, and given an opportunity to vote; and such vote shall be recorded. If those voting on the question and those who are present and decline to vote together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the requisite majority of those voting shall have determined. Thereupon further proceedings under the call shall be considered as dispensed with.

(c) At any time after Members have had the requisite opportunity to respond by the yeas and nays ordered under this clause, but before a result has been announced, a motion that the House adjourn shall be in order if seconded by a majority of those present, to be ascertained by actual count by the Speaker. If the House adjourns on such a motion, all proceedings under this clause shall be considered as vacated.

This clause (formerly clause 4 of rule XV) was adopted in 1896 (IV, 3041; VI, 690); and amended in 1972 to make its provisions subject to clause 2 (formerly clause 5) of this rule (H. Res. 1123, 92d Cong., p. 36012). Paragraph (c) was amended to clarify the privileged nature of the motion to adjourn during the call in the 108th Congress (sec. 2(m), H. Res. 5, Jan. 7, 2003, p. 7) and the 111th Congress (sec. 2(m), H. Res. 5, Jan. 6, 2009, p. __), when gender-based references were also eliminated (sec. 2(l), H. Res. 5, Jan. 6, 2009, p. __). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 4 of rule XV (H. Res. 5, Jan. 6, 1999, p. 47).

Where objection is raised to a vote in the House on the ground that a quorum is not present, and a quorum is in fact not present, the Speaker may direct that the call of the House be taken by electronic device under clause 2 (formerly clause 5), or may direct the Clerk to call the roll pursuant to this clause (May 16, 1973, p. 15860).

It applies only to votes in which a quorum is required, and hence does not apply to an affirmative vote on a motion to adjourn (July 25, 1949, p. 10092; Nov. 4, 1983, p. 30946; Aug. 4, 2007, p. 22990), or motions incidental to a call of the House that may be agreed to by less than a quorum (IV, 2994, 3029; VI, 681), or to a call when there is no question pending (IV, 2990). Although a quorum is not required to adjourn, a point of no quorum on a negative vote on adjournment, if sustained, precipitates a call of the House under the rule (VI, 700; June 4, 1951, pp. 6097, 6098; June 15, 1951, p. 6621). Where less than a quorum rejects a motion to adjourn, the House may not consider business but may dispose of motions to compel the attendance of absent Members (Nov. 2, 1987, p. 30387).

When a Member objects to a vote on the ground that a quorum is not present and makes the point of order under this clause, the Speaker may count the House and determine the presence of a quorum and is not required to announce the actual count under the first sentence of this clause (Sept. 30, 1981, p. 22456). Where the Speaker ascertains the presence of a quorum by actual count following an objection to a vote under this clause, or on a rejected demand for the yeas and nays and a division vote is then taken on the pending question, the division vote is intervening business (see VIII, 2804) permitting another objection to the lack of a quorum, and the Speaker must again count the House (Mar. 17, 1976, p. 6792; Aug. 2, 1979, p. 22006). However, where the announced absence of a quorum has resulted in a record vote under this clause (on the Speaker's approval of the Journal), the House may not, even by unanimous consent, vacate the vote in order to conduct another voice vote in lieu of the record vote, because no business, including a unanimous-consent agreement, is in order in the announced absence of a quorum (July 13, 1983, p. 18844; Feb. 24, 1988, p. 2450). The House having authorized the Speaker to compel the attendance of absent Members, the Speaker announced that the Sergeant-at-Arms would proceed with necessary and efficacious steps, and that pending the establishment of a quorum no further business, including unanimous-consent requests for recess authority, could be entertained (Nov. 2, 1987, p. 30389).

§ 1026. Conduct of the call in the new form.

Under this clause the roll is called twice, and those appearing after their names are called may vote (IV, 3052). A motion to adjourn may be made before the call begins (IV, 3050). After the roll has been called, and while the proceedings to obtain a quorum are going on, motions to excuse Members are in order (IV, 3051).

The Sergeant-at-Arms is required to detain those who are present and bring in absentees (IV, 3045–3048), and does this without the authority of a resolution adopted by those present (IV, 3049). There is doubt as to whether or not a warrant is necessary but it is customary for the Speaker to issue one on the authority of the rule (IV, 3043; VI, 702). When arrested, Members are arraigned at the bar, and either vote or are noted as present, after which they are discharged (IV, 3044).

When a quorum fails to vote on a yea-and-nay vote on a motion that requires a quorum to be present, and a quorum is not present, the Chair takes notice of the fact, and unless the House adjourns, a call of the House is ordered by the Chair under this rule, and the vote is taken on the question de novo (IV, 3045, 3052; VI, 679). If the House does adjourn, the question is put de novo the next meeting day (Oct. 10, 1940, p. 13535).

An automatic roll call results under this rule when the objection that a quorum is not present and voting is made after a viva voce vote (VI, 697). An automatic roll call under this rule is not in order in Committee of the Whole (Aug. 2, 1966, p. 17844). Pursuant to clause 8, if a vote is objected to under this clause, further proceedings may be postponed, in which case the question is put de novo when that vote recurs as unfinished business. Furthermore, when such proceedings are postponed, the point of order that a quorum is not present is considered as withdrawn because no longer in order (a question not being put after the Speaker's announcement of postponement) (see clause 7, *infra*).

§ 1027. Quorum; when not required.

7. (a) The Speaker may not entertain a point of order that a quorum is not present unless a question has been put to a vote.

§ 1028. Speaker's discretion to recognize for motion for call of House.

(b) Subject to paragraph (c) the Speaker may recognize a Member, Delegate, or Resident Commissioner to move a call of the House at any time. When a quorum is established pursuant to a call of the House, further proceedings under the call shall be considered as dispensed with unless the Speaker recognizes for a motion to compel attendance of Members under clause 5(b).

§ 1029. Relation of previous question to failure of a quorum.

(c) A call of the House shall not be in order after the previous question is ordered unless the Speaker determines by actual count that a quorum is not present.

Paragraphs (a) and (b) were adopted in the 93d Congress (H. Res. 998, Apr. 9, 1974, pp. 10195–99) and amended in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70) and in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16) to dispense with further proceedings under any call of

the House when a quorum appears unless the Speaker chooses to recognize for a motion. Paragraph (c) (formerly clause 2 of rule XVII) was adopted in 1860 (V, 5447). Before the House recodified its rules in the 106th Congress, paragraphs (a) and (b) were found in former clause 6 of rule XV and paragraph (c) was found in former clause 2 of rule XVII. The 106th Congress also transferred former clause 6(b) of rule XV to clause 6(d) of rule XVIII (H. Res. 5, Jan. 6, 1999, p. 47).

Under this clause the Speaker may not entertain a point of order of no quorum when the Speaker has not put a question to a vote in the House (Speaker O'Neill, Jan. 11, 1977, p. 891; Jan. 31, 1977, p. 2640; Sept. 30, 1997, p. 20837; July 21, 1998, p. 16342; June 14, 2001, p. 10725). The Chair may not entertain a point of order of no quorum pending a request that a committee be permitted to sit under the five-minute rule, because the Chair has not put the question on a pending proposition to a vote (June 18, 1980, p. 15316). However, under this clause the Speaker may at any time choose to recognize a Member to move a call of the House (Speaker O'Neill, Jan. 19, 1977, p. 1719; Jan. 31, 1977, p. 2640; Aug. 6, 1986, p. 19370), or may choose not to do so (Sept. 30, 1997, p. 20837), or by unanimous consent may initiate a call of the House without motion (Speaker Foley, Mar. 14, 1990, p. 4324) even, for example, before the call of the Private Calendar, which is in order after approval of the Journal and disposition of business on the Speaker's table (July 8, 1987, p. 18972). When one Member is already under recognition for debate, however, another Member may be recognized to move a call of the House only if the first Member yields for that purpose (July 23, 1998, p. 16989). For precedents addressing timeliness in raising a point of order of no quorum, see Deschler, ch. 20, § 13.

The Speaker's refusal to entertain a point of order of no quorum when a pending question has not been put to a vote is not subject to an appeal, because the clause contains an absolute and unambiguous prohibition against entertaining such a point of order (Sept. 16, 1977, p. 29562). During debate on a measure in the House the Speaker will not respond to an inquiry as to the number of Members present in the Chamber, because a point of no quorum is not admissible unless the Speaker has put the pending question to a vote (Oct. 28, 1987, p. 29682).

In adopting this rule, the House has manifested a determination that the mere conduct of debate in the House, where the Chair has not put the pending motion or proposition to a vote, is not such business as requires a quorum under the Constitution (art. I, sec. 5, cl. 1), and neither a point of order of no quorum during debate only nor a point of order against the enforcement of this clause lies independently under the Constitution (Sept. 8, 1977, p. 28114; Sept. 12, 1977, p. 28800; Feb. 27, 1986, p. 3060).

Postponement of proceedings

§ 1030. Postponing record votes on passage.

8. (a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6—

(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

(B) on the question of agreeing to the Speaker's approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.

(2) The questions described in subparagraph (1) are as follows:

(A) The question of passing a bill or joint resolution.

(B) The question of adopting a resolution or concurrent resolution.

(C) The question of agreeing to a motion to instruct managers on the part of the House (except that proceedings may not resume on such a motion under clause 7(c) of rule XXII if the managers have filed a report in the House).

(D) The question of agreeing to a conference report.

(E) The question of ordering the previous question on a question described in subdivision (A), (B), (C), or (D).

(F) The question of agreeing to a motion to suspend the rules.

(G) The question of agreeing to a motion to reconsider or the question of agreeing to a motion to lay on the table a motion to reconsider.

(H) The question of agreeing to an amendment reported from the Committee of the Whole.

(b) At the time designated by the Speaker for further proceedings on questions postponed under paragraph (a), the Speaker shall resume proceedings on each postponed question.

(c) The Speaker may reduce to five minutes the minimum time for electronic voting on a question postponed under this clause, or on a question incidental thereto, that follows another electronic vote without intervening business, so long as the minimum time for electronic voting on the first in any series of questions is 15 minutes.

(d) If the House adjourns on a legislative day designated for further proceedings on questions postponed under this clause without disposing of such questions, then on the next legislative day the unfinished business is the disposition of such questions.

This provision (formerly clause 5(b) of rule I) was added in the 96th Congress (H. Res. 5, Jan. 15, 1979, p. 7), and paragraph (a) was amended in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113) to consolidate most authority for the postponing of further proceedings on certain questions into this paragraph. This consolidation was accomplished with the addition of the authority to postpone further proceedings on reports from the Committee on Rules and motions to suspend the rules. The Speaker was granted additional authority to postpone further proceedings as follows: (1) the Speaker's approval of the Journal until later that legislative day in the 98th Congress (H. Res. 5, Jan. 3, 1983, p. 34); (2) motions to instruct conferees under clause 7(c) of rule XXII in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72); (3) the original motion to instruct conferees

in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47); (4) ordering the previous question on another question that is, itself, susceptible of postponement (and the list was reordered) in the 104th Congress (sec. 223(a), H. Res. 6, Jan. 4, 1995, p. 469); (5) certain questions during consideration of bills called from the Corrections Calendar in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. 121), but that provision was stricken in the 109th Congress when the Corrections Calendar was repealed (sec. 2(f), H. Res. 5, Jan. 4, 2005, p. 43); (6) questions incidental to a postponed question (and to permit the first postponed vote in a series to be a five-minute vote if it immediately follows a 15-minute vote) in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47); (7) the question of agreeing to the motion to reconsider, the question of agreeing to the motion to lay on the table a motion to reconsider, and the question of agreeing to an amendment reported from the Committee of the Whole in the 109th Congress (sec. 2(i), H. Res. 5, Jan. 4, 2005, p. 43). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(b) of rule I (H. Res. 5, Jan. 6, 1999, p. 47). Technical corrections to paragraphs (a), (b), and (d) of clause 8 were effected in the 108th Congress (sec. 2(u), H. Res. 5, Jan. 7, 2003, p. 7). The House by unanimous consent has authorized the Speaker to postpone further proceedings on a specified class of record votes to a date certain beyond the two legislative days permitted under this clause (*e.g.*, Sept. 17, 2003, p. 22272).

In the 108th Congress clause 9 was expanded to include the authority described in clause 8(c) (sec. 2(n), H. Res. 5, Jan. 7, 2003, p. 7). Clause 9 permits the Speaker to reduce to five minutes a record vote on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting was properly issued.

The Speaker first exercised the authority to postpone a record vote on the approval of the Journal on November 10, 1983 (p. 32097). That authority includes the power to postpone a division vote on the approval of the Journal that is objected to under clause 6 of rule XX (formerly clause 4 of rule XV) (Sept. 21, 1993, p. 21820). On questions not enumerated in this paragraph, such as the initial motion to instruct conferees before the 106th Congress, unanimous consent is required to permit the Speaker to postpone such record votes (Oct. 6, 1986, p. 28704).

Pursuant to clause 7 of rule XX (formerly clause 6(e) of rule XV), prohibiting a point of order of no quorum unless the Speaker has put the pending proposition to a vote, the Speaker announces, after postponing a vote on a motion to suspend the rules where objection has been made to the vote on the grounds that a quorum is not present, that the point of order is considered as withdrawn, because the Chair is no longer putting the question (May 16, 1977, p. 14785). At the conclusion of debate on all motions to suspend the rules on a legislative day, the Speaker announces that the question will be put on each motion on which further proceedings have been postponed—either de novo if objection to the vote has been made under clause 6 of rule XX (formerly clause 4 of rule XV) or for a "yea

and nay" or recorded vote if previously ordered by the House in the order in which the motions had been entered (June 4, 1974, pp. 17521–47). Clause 8(a) of rule XX (formerly clause 5(b) of rule I) does not require the Chair's customary announcement at the beginning of consideration of motions to suspend the rules that the Chair intends to postpone possible record votes (Feb. 23, 1993, p. 3281; Nov. 14, 1995, p. 32385).

Under the authority to postpone further proceedings on a specified question to a designated time within two legislative days, the Speaker may simultaneously designate separate times for the resumption of proceedings on separate postponed questions (Mar. 3, 1992, p. 4072). Once the Speaker has postponed record votes to a designated place in the legislative schedule, the Speaker may subsequently redesignate the time when the votes will be taken within the appropriate period (June 6, 1984, p. 15080; Oct. 3, 1988, pp. 27782, 27878). When the House adjourns on the second legislative day after postponement of a question under this clause without resuming proceedings thereon, the question remains unfinished business on the next legislative day (Oct. 1, 1997, p. 20922).

Following the first postponed vote on motions to suspend the rules, the Speaker may reduce to not less than five minutes the time for taking votes on any or all of the subsequent motions on which votes have been postponed (June 4, 1974, p. 17547). Having clustered record votes on motions to suspend the rules and then having clustered record votes on passage of other measures considered immediately after debate on the suspension motions, the Speaker may, pursuant to this clause, conduct all the postponed votes in one sequence and reduce to five minutes the time for all electronic votes after the first suspension vote (May 17, 1983, p. 12508; Oct. 2, 1989, p. 22724). However, the Chair may decline to recognize for a unanimous-consent request to reduce to five minutes the first vote in the series, because the bell and light system would not give adequate notice of the initial five-minute vote (Oct. 8, 1985, p. 26666; see also § 1032, *infra*). However, before the 106th Congress, where a series of votes had been postponed pursuant to this clause to occur following a 15-minute vote on another measure not a part of that series, the vote on the first postponed measure could have been reduced to five minutes only by unanimous consent (May 24, 1983, p. 13595; July 22, 1996, p. 18410). By unanimous consent waiving the five-minute minimum set by paragraph (c) (formerly clause 5(b)(3) of rule I), the House has authorized the Speaker to put remaining postponed questions to two-minute electronic votes (Oct. 4, 1988, pp. 28126, 28148). The Speaker may entertain a unanimous-consent request for the consideration of a similar Senate measure following passage of a House bill and before the next postponed vote (Feb. 15, 1983, p. 2175). Because a resolution raising a question of the privileges of the House takes precedence over a motion to suspend the rules, it may be offered and voted on between motions to suspend the rules on which the Speaker has postponed record votes (May 17, 1983, p. 12486). Proceedings may not resume on a postponed question of agreeing to a 20-day motion to instruct conferees after the

managers have filed a conference report in the House (Oct. 19, 1999, p. 25961).

For several years before the 107th Congress, special rules adopted by the House commonly provided the chair of the Committee of the Whole authority to postpone and cluster requests for recorded votes on amendments. In the 107th Congress that authority was given to the chair in the standing rules by adoption of a new clause 6(g) of rule XVIII. For a discussion of such authority, see § 984, *supra*.

§ 1031. Former pairs.

Former clause 2 of rule VIII was adopted in 1880, although the practice of pairing had then existed in the House for many years (V, 5981). The language of the clause was slightly altered by amendment in 1972 to reflect the installation of electronic voting in the 93d Congress (H. Res. 1123, Oct. 13, 1972, pp. 36005–12). It was amended in the 94th Congress (H. Res. 5, Jan. 14, 1975, p. 20) to permit pairs to be announced in the Committee of the Whole. Former clause 2 of rule VIII was deleted in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47). "Live" pairs still may be announced under clause 3 of rule XX (§ 1015, *supra*).

Before the 106th Congress, pairs were not announced at a time other than that prescribed by the former rule (V, 6046), and the voting intentions of an absent Member were not otherwise announced by a colleague (VIII, 3151). Before the 94th Congress pairs were not permitted in Committee of the Whole (V, 5984; Speaker Albert, Jan. 15, 1973, p. 1054). The House did not consider questions arising out of the breaking of a pair (V, 5982, 5983, 6095; VIII, 3082, 3085, 3087–3089, 3093), or permit a Member to vote after the call on the plea that he had refrained because of misunderstanding as to a pair (V, 6080, 6081). Discussion of the origin of the practice of pairing in the House and Senate (VIII, 3076). On questions requiring a two-thirds majority Members were paired two in the affirmative against one in the negative (VIII, 3088; Nov. 15, 1983, p. 32685). For Speaker Clark's interpretation of the rule and practice regarding pairs, see VIII, 3089.

Five-minute votes

§ 1032. "15-and-5" voting.

9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the preceding electronic vote.

The Speaker's authority to reduce record votes to five minutes, provided the first vote in any series is a 15-minute vote, gradually expanded over the years as follows: (1) on a bill, resolution, or conference report following a vote on a motion to recommit as first added in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16); (2) on amendments reported from the Committee of the Whole following a vote on the first such amendment, as added in the 101st Congress (H. Res. 5, Jan. 3, 1989, p. 72); (3) on adoption of a special order of business following a vote on ordering the previous question thereon as added in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. 49), and expanded to any underlying question following a vote on ordering the previous question in the 104th Congress (sec. 223(e), H. Res. 6, Jan. 4, 1995, p. 469); (4) on any incidental question under this clause as added in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47); and (5) finally (the present language of the rule), on any question arising without intervening business after an electronic vote on another question in the 108th Congress (sec. 2(n), H. Res. 5, Jan. 7, 2003, p. 7). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5(b) of rule XV (H. Res. 5, Jan. 6, 1999, p. 47).

Five-minute votes are now permitted at the discretion of the Chair in the following circumstances: (1) under clause 9 on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting was properly issued (which includes the authority also granted under clause 8(c)); (2) under clause 6(b)(3) of rule XVIII, on a pending question immediately following a regular quorum call in Committee of the Whole. Votes of not less than two minutes are now permitted at the discretion of the chair of the Committee of the Whole in the following circumstances: (1) under clause 6(f) of rule XVIII, on any or all pending amendments immediately following a 15-minute recorded vote on the first such pending amendment; (2) under clause 6(g) of rule XVIII, on a postponed question on adoption of an amendment that immediately follows another electronic vote. This clause does not give the Chair the authority to reduce to five minutes the vote on a motion to recommit occurring immediately after a recorded vote on an amendment reported from the Committee of the Whole (June 29, 1994, p. 15107). The Chair does not entertain a unanimous-consent request to reduce a vote below the minimum if Members have not been given sufficient notice (*e.g.*, July 14, 1999, p. 16008; June 23, 2004, p. 13734; Sept. 15, 2005, p. 20442; July 19, 2007, p. 19838). However, the Chair may entertain such a request when circumstances ensure sufficient notice (June 24, 2005, pp. 14220, 14232; June 15, 2007, pp. 15971, 15999). The House has by unanimous consent authorized the Speaker to reduce to two minutes electronic votes conducted under this clause (*e.g.*, July 23, 2007, p. 20108).

Where five-minute voting is interrupted by a one-minute speech, unanimous consent is required to continue five-minute voting (June 25, 2002, p. 11211). A voice vote on the question of adoption of a resolution following a 15-minute vote on ordering the previous question is not construed as

"intervening business" such as would preclude five-minute votes on certain postponed questions (Sept. 26, 2002, pp. 18096, 18097). In the 95th Congress, the Speaker announced that changes could be made electronically at any time during a vote reduced to five minutes under the rules (Speaker O'Neill, Jan. 4, 1977, pp. 53–70) and changes may now be made electronically on a vote of a minimum duration of less than 15 minutes. Once the Clerk has announced changes, the voting stations close and further changes must be made in the well (Nov. 17, 2005, p. 26580).

Automatic yeas and nays

§ 1033. Yeas and nays ordered on certain questions.

10. The yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of a conference report, making general appropriations, or increasing Federal income tax rates (within the meaning of clause 5 of rule XXI), or on final adoption of a concurrent resolution on the budget or conference report thereon.

This clause was adopted in the 104th Congress (sec. 214, H. Res. 6, Jan. 4, 1995, p. 468). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 7 of rule XV (H. Res. 5, Jan. 6, 1999, p. 47). The Chair announced the ordering of the yeas and nays under this clause on passage of a joint resolution not only further continuing appropriations for the current fiscal year but also enacting by reference six general appropriation bills (Oct. 21, 2003, pp. 25314, 25315).

Ballot votes

§ 1034. Elections by ballot.

11. In a case of ballot for election, a majority of the votes shall be necessary to an election. When there is not such a majority on the first ballot, the process shall be repeated until a majority is obtained. In all balloting blanks shall be rejected, may not be counted in the enumeration of votes, and may not be reported by the tellers.

This rule was first adopted in 1789 and was amended in 1837 (V, 6003). It was renumbered January 3, 1953 (p. 24). The last election by ballot seems to have occurred in 1868 (V, 6003).

RULE XXI

RESTRICTIONS ON CERTAIN BILLS

Reservation of certain points of order

§ 1035. Reservation of points of order.

1. At the time a general appropriation bill is reported, all points of order against provisions therein shall be considered as reserved.

This clause was added in the 104th Congress (sec. 215(e), H. Res. 6, Jan. 4, 1995, p. 468), rendering unnecessary the former practice that a Member reserve points of order when a general appropriation bill was referred to the calendar of the Committee of the Whole House on the state of the Union, in order that provisions in violation of rule XXI could be stricken in the Committee of the Whole (see § 1044, *infra*). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 8 of rule XXI (H. Res. 5, Jan. 6, 1999, p. 47).

General appropriation bills and amendments

§ 1036. Unauthorized appropriations reported in general appropriation bills or amendments thereto.

2. (a)(1) An appropriation may not be reported in a general appropriation bill, and may not be in order as an amendment thereto, for an expenditure not previously authorized by law, except to continue appropriations for public works and objects that are already in progress.

§ 1037. Reappropriations prohibited.

(2) A reappropriation of unexpended balances of appropriations may not be reported in a general appropriation bill, and may not be in order as an amendment thereto, except to continue appropriations for public works and objects that are